

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
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UTICA MUTUAL INSURANCE COMPANY,

Plaintiff,

-v-

6:09-CV-853

FIREMAN'S FUND INSURANCE COMPANY,

Defendant.  
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APPEARANCES:

SIDLEY AUSTIN LLP  
Attorneys for Plaintiff  
One South Dearborn Street  
Chicago, IL 60603

WILLIAMS LOPATTO PLLC  
Attorneys for Defendant  
1200 New Hampshire Avenue  
Suite 750  
Washington, DC 20036

DAVID N. HURD  
United States District Judge

OF COUNSEL:

WILLIAM M. SNEED, ESQ.  
THOMAS D. CUNNINGHAM, ESQ.

JOHN B. WILLIAMS, ESQ.  
MARY A. LOPATTO, ESQ.

**DECISION and ORDER**

Pursuant to the Mandate issued by the United States Court of Appeals for the Second Circuit on July 17, 2020, it is hereby


ORDERED that

1. The December 13, 2017 jury verdict in favor of plaintiff Utica Mutual Insurance Company, ECF No. 440, and corresponding December 15, 2017 judgment, ECF No. 436, in

favor of plaintiff Utica Mutual Insurance Company and against defendant Fireman's Fund Insurance Company in the amount of thirty-five million dollars (\$35,000,000.00), with interest calculated from September 22, 2008, at the statutory rate of 9% (NY Civ. Prac. L. & R. §§ 5003, 5004) for a total of twenty-nine million, ninety-two thousand, one hundred and ninety-one dollars and seventy-eight cents (\$29,092,191.78), for a total judgment amount of sixty-four million, ninety-two thousand, one hundred and ninety-one dollars and seventy-eight cents (\$64,092,191.78) is VACATED; and

2. The Clerk of the Court is directed to enter judgment in favor of defendant Fireman's Fund Insurance Company, dismissing all claims against it, and close the file.

IT IS SO ORDERED.

  
United States District Judge

Dated: July 21, 2020  
Utica, New York.